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STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (March 14, 2012 Meeting)

Docket No. / Project Title: C/AD-12-04 (Samuel T. Smith Administrative Subdivision)

Staff: Rae-Leigh Stark

Cielo Smith Applicant: **Property Size:** 20 Acres

Current Zoning: AP (Agriculture Preferred)

Location: 4350 North County Road 425 East in Clay Township

Background Summary:

The applicant has indicated that the proposed subdivision is for the purpose of creating a 1.269 acre lot for a total of one lot and one agriculture remainder totaling 20 acres. The applicant is also requesting a modification from Section 16.08 of the Subdivision Control Ordinance to create an agricultural remainder that is 18.731 acres in size, 1.269 acres smaller than the required 20 acres.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Would allowing this remainder to be less than 20 acres be consistent with the intent of the Subdivision Control Ordinance and the criteria for granting a modification?

Preliminary Staff Recommendation:

Approval, including the modification from Section 16.08 of the Subdivision Control Ordinance to create an agricultural remainder that is 18.731 acres in size, 1.269 acres smaller than the required 20 acres. The proposed 1.269 acre lot, which then creates the 18.731 agriculture remainder, is the smallest perimeter around the existing home and workshop while meeting all minimum setbacks.

Plan Commission Options:

In reviewing a request for administrative subdivision approval, which includes a request for modification(s) the Plan Commission may (1) approve the modification(s) and the subdivision, (2) deny the modification(s) and the subdivision, or (3) continue the review to the next Plan Commission meeting. If more than one modification is requested, the Plan Commission may approve some, all, or none of the requests. The Plan Commission may attach conditions to the approval of the modification(s); however the conditions should be directly related to the circumstances of the modification requested. (Per Subdivision Control Ordinance Section 16.40.050)

Modification Decision Criteria:

Indiana law and Columbus Subdivision Control Ordinance Section 16.40.050 require that the Plan Commission approve all subdivisions which meet the applicable requirements. The Columbus Plan Commission has delegated the approval authority for Minor Subdivisions to the Plat Committee. This application is being considered by the Plan Commission because the Plat Committee found at least one aspect of the proposal to be inconsistent with the Subdivision Control Ordinance. Section 16.32.020 of the

Subdivision Control Ordinance indicates that the Plan Commission may grant a modification of the requirements of the Ordinance upon the determination that each of the following is true:

- 1. The modification will not be detrimental to the public, health, safety, and general welfare.
- 2. Adjacent property will not be adversely affected.
- 3. The modification is justified because of exceptional topographic or other physical conditions unique to the property involved, as opposed to mere inconvenience or financial disadvantage.
- 4. The modification is consistent with the intent of the Zoning Ordinance, other applicable ordinances, and the Comprehensive Plan.
- 5. The modification will not conflict with the requirements of the Zoning Ordinance including but not limited to lot area, lot frontage, lot width, and setback(s).

Current Property Information (entire subdivision site):		
Land Use:	Single-family Residential and Agriculture	
Site Features:	Home, barn, garage, and driveway	
Flood Hazards:	Zone A Floodplain is located on the agriculture remainder.	
Vehicle Access:	County Road 425 East (Collector, Residential, Rural)	

Surrounding Zoning and Land Use (entire subdivision site):			
	Zoning:	Land Use:	
North:	AP (Agriculture Preferred)	Agriculture	
South:	AP (Agriculture Preferred)	Agriculture	
East:	AP (Agriculture Preferred)	Agriculture	
West:	AP (Agriculture Preferred)	Agriculture	

Interdepartmental Review:	
City Engineering:	No concerns.
City Utilities:	No comments.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

- 1. The applicant proposes to subdivide a 1.269 acre lot from an existing 20 acre parcel creating an agriculture remainder of 18.731 acres.
- 2. Lots, like the proposed, can be created through an administrative process that does not involve any right-of-way dedication, septic suitability research, etc. for the purpose of subdividing previously existing homes from remaining farm fields. The lot must have a home located on it and the agriculture remainder must have been used as a farm for at least 3 years and at least 75% of that property must be used for agriculture purposes.
- 3. The applicant would like to subdivide to remove the existing home from the remaining farm ground. The proposed 1.269 acre lot, which then creates the 18.731 agriculture remainder, is the smallest perimeter around the existing home and workshop while meeting all minimum setbacks.
- 4. The intent of the 20 acre agriculture remainder minimum is to preserve large tracts for agriculture and also to allow for the orderly, adequately dense growth of the City at the appropriate time.
- 5. Allowing an agriculture remainder to be 18.731 acres rather than the required 20 acres will still provide a tract of preserved farm land and will still allow the tract to be developed into a planned subdivision if and when the appropriate time comes.

Subdivision Control Ordinance Consideration(s):

The following provisions of the Subdivision Control Ordinance apply to the key issues of this application: Section 16.08 Agricultural Subdivision: A subdivision of land into two or more parcels which is at least 20 acres in size.